

**TOWN OF SUPERIOR  
TOWN COUNCIL MINUTES  
THURSDAY, JULY 9, 2015**

**REGULAR MEETING OF THE SUPERIOR TOWN COUNCIL HELD ON THURSDAY  
JULY 9, 2015 AT 7:00 PM IN THE SUPERIOR AUDITORIUM 199 N. LOBB AVENUE,  
SUPERIOR, ARIZONA, PINAL COUNTY, ARIZONA.**

**CALL TO ORDER**

Mayor Valenzuela called meeting to order at 7: 11 P.M.

**ROLL CALL**

Mayor	Jayne Valenzuela
Vice-Mayor	Olga Lopez
Councilmember	Gilbert Aguilar - Absent
Councilmember	Michael Alonzo - Absent
Councilmember	Mila Besich-Lira
Councilmember	Steve Estatico
Councilmember	John Tameron

**PLEDGE OF ALLEGIANCE**

Mayor Valenzuela led everyone in attendance in the Pledge of Allegiance

**INVOCATION**

Pastor Dennis Van Gorp, Family Life Christian Center led everyone in the Invocation.

**STAFF PRESENT**

Town Manager	Margaret Gaston
Town Attorney	Steven Cooper
Police Chief	Mark Nipp
Fire Director	Todd Pryor
Library	Josie Campos
Account Clerk	Ruby Cervantes
Finance	David Romero
Town Staff	Nora Miramon

**PUBLIC ATTENDANCE**

Carmen Casillas	Linda Thomas
John Hernandez	Tiffany Stlgenvauer
Connie Sexton	Dave
Tom Wright	Bryan Seppala
Jerry Thomas	Andrew Luke

Raphael Goodwid	Nancy L. Volger
Carl Volger	Jim Schenk
Sandra Doyle	Kathy Long
Karen Jones	Larry Brown
Rueben Rodriguez	Josh
Kelsey Sherraed	Tyler Baril
Joy Eveland	Mario Sanchez
Anna Jeffrey	Melissa Rabago
Jennifer Botsford	Ian Edgar
Bruce Armitage	Robert S. Cervantez

### **SPECIAL PRESENTATIONS**

**ADHS – Melissa Teagarden presentation on Free Testing from ADHS for Arsenic and Lead Levels in Children.** Town Manager Margaret Gaston introduced Melissa Teagarden from Arizona Department of Health Services, Ms. Teagarden thanked Council for having them, they just wanted a few moments of Council's time to inform them of a couple of things that they are doing. They are currently working on lead screening on children. They are also testing private wells if anybody would like to have their wells tested for heavy metals, they are offering to do this as well. Ms Teagarden stated that lead is a heavy metal that is found in a lot of our environment. She explained how lead is absorbed in the body. Councilmember Besich-Lira asked if they had a good response today. Ms Teagarden stated no, but they do have another lead workshop. They will be at the schools open house, they will set up a table there. The flyer Council has a phone number where they can be reached at if they have any questions. Mayor Valenzuela, thanked them for coming out this evening. Margaret stated that there are flyers on the back table.

**ADOT – Update on Road Closures and Projects on US 60 by Jessie Gutierrez, District Engineer and Kathy Boyles, Public Affairs Manager.** Town Manager stated that this presentation was from ADOT regarding the road closures. Kathy Boyles, introduced herself and Mindy Teague Sr. Resident Engineer. Mindy stated that Mr. Gutierrez was unable to make the meeting therefore she would be giving the presentation. Mindy also mentioned that Jessie is now ADOT'S State Engineer. As of now they are in the early stages of the project. Starting next week you will start seeing the road closures and delays. As they get more details they will be sending text and email messages with details. Councilmember Estatico, asked if she was familiar with the CVIC vans? She stated that she has seen them but not familiar with them. Councilmember Estatico, stated that these vans transport students to Gila Pueblo for classes. The vans usually run between 1 and 2 pm, his concern is getting students there on time. Mayor Valenzuela asked if there were any other questions from Council or staff. He thanked Ms. Boyles for the information.

### **STAFF REPORTS**

**Manager –** Town Manager reported that both backhoes are down. One is in the ADOT shop in Globe being checked out, and the other is in Mesa for diagnostic test to see what is wrong with it. ADOT is doing their work under their contracts and pricing, which is half of what we would normally pay. The backhoe is working better, but has pressure problems. The other one is at Baker Machinery in mesa, for brake repairs. The brakes don't hold due to hydraulic fluid leaking out. The back plate and another plate had to be replaced. Also the automotive brake fluid was put into the machine and caused the O rings to fail. Margaret informed Council that they have a copy of the bill that arrived today by their place at the Council table. It was a total of \$6,793.65. Margaret informed council that this was an emergency repair.

Town Manager informed Council that she had been out twice to collect income surveys for the Town, so we could qualify for CDBG funding. There have also been several volunteers helping and they have been working hard. Alan Urban, from CAG, has been here helping at least three times, as well as Angela Gotto who was here once. We are getting there, but slowly. As of this evening we still lack over 90 signatures and forms. Margaret asked Councilmembers to each fill out a form and collect at least five others from people on their street or surrounding street. If all Councilmembers get six forms filled out that will add 43 more signatures. Margaret stated that she has given them out to employees as well. There are forms on the back table for anyone in the audience that hasn't filled one out. Margaret stated that if we don't reach our goal we will not qualify for CDBG funding.

Mayor – Mayor Valenzuela, stated that this survey is very important for the Town's future so he asked that the survey is filled out and returned to Town Hall. Mayor Valenzuela, thanked everyone who donated and volunteered for the 4<sup>th</sup> of July activities. It was a great success. Town Manager stated that the firefighters did a great job. Mayor Valenzuela thanked Resolution Copper for the donation for the Fireworks.

#### **CONSENT AGENDA**

Pursuant to Section 2-4-6 (D), matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Prior to consideration of the Consent Agenda, the Mayor will ask whether any members of the Council request any item be removed from the Consent Agenda for separate discussion.

- A. Minutes of Regular Meeting on June 11, 2015
- B. Minutes of Special Meeting on June 11, 2015
- C. Blanket Permit Request form for the Superior historical Society, Inc. / Bob Jones Museum
- D. Blanket Permit Request Form for the Superior Food Bank
- E. Blanket Request for the Family Life Christian Center
- F. Department Reports

**Motion to approve the consent agenda made by Councilmember Besich-Lira, second by Vice Mayor Lopez, motion carries.**

#### **NEW BUSINESS**

**A. Public Hearing Regarding Adoption of Budget for Fiscal Year 2015/2016 and Setting the Alternative Expenditure Limitation.**

Margaret stated that Council adopted the Tentative Budget on June 11, 2015 at the Regular Meeting. The Tentative Budget was published for two consecutive weeks in the Superior Sun. It was also placed on the website and a copy is at the Library and Town Hall. Mayor Valenzuela moved into the Public Hearing and asked if there were any comments from the public? There were no comments from the public so he closed the Public Hearing

**B. Discussion and Approval of Resolution 15-555. A Resolution of the Mayor and Town Council of the Town of Superior, Arizona, Adopting the Budget for the Fiscal Year 2015-2016, and Adopting the Alternative Expenditure of Limitation.**

Town Manager stated that Resolution 15-555 is the Resolution to Adopt the Budget for F/Y 2015-2016 and Adopting the Alternative Expenditure of Limitations. Councilmember Besich-

Lira, asked if now that we are getting Audits done, if we are closer to getting financial reports? If Department Heads are getting better idea of what their budgets are? Margaret stated that the 2010-2011 audit was just completed; they are currently working on 2011-2012. The bank reconciliations are getting closer to being completed but the JE are not. Margaret is hoping to have the financial statements later this year. Margaret felt that we are improving but she will not promise that until everything is up to date and all the bank reconciliations are caught up.

**Motion of approval of Resolution 15-555 an Resolution of the Town Council of the Town of Superior Approval of Resolution 15-555 Adopting the Budget for the fiscal year ending the 30<sup>th</sup> day of June, 2016 and Adopting the Alternative Expenditure of Limitation made by Councilmember Estatico, second by Vice Mayor Lopez, motion carries.**

**C. Discussion and Approval of Health Insurance Plan for Full Time Employees through Health Net in the Amount of \$87,489.12 for the 2015/2016 Fiscal Year.**

Town Manager stated that this is the Health Insurance plans for employees; the insurance broker has given the town a ball park figure for Health Net in the amount of \$87,489.12 for the year. The bottom line is that we are looking to staying with Health Net. The council can consider increasing the employee's portion from \$5.00 to \$25.00 per month to help with the extra cost. \$25.00 per month is reasonable, but we must remember employees have not had a raise and have had cuts in pay. Councilman Estatico made a comment that being in a profession where you don't get a raise unless you take up extra duties, he feels it is unfair and that maybe we should find other ways to do that. Especially when we've asked employees take a pay cut and not giving raises. Councilmember Besich-Lira, asked Margaret what do she thinks we could do to keep it at \$5.00, is there room somewhere we can cut to make this happen? Margaret stated that we would do what we do now. Budget wise it will work reality wise we will just keep watching the bank accounts. We have been saving some so we should be alright, and if it gets tight we will just cut back.

**Motion to approve the Health Insurance Plan for Full Time Employees through Health Net in the amount of \$87,489.12 with the employee still paying the \$5.00 a month was made by Vice-Mayor Lopez, second by Councilmember Tameron, motion carries.**

**D. Discussion and Possible Approval of Bids to Repair the Lift Station at Stansberry Drive. From Jonovich Companies, Inc. \$15,475.00 and Western Environmental Technologies, Inc. \$13,194.32 for Equipment.**

Town Manager stated that Council is aware that the lift station is in need of repairs. The Council gave approval to go out to bid. The town received a bid from Jonovich for the amount of \$15,475.00 and we also received a bid from Western Environmental Technologies, Inc. for \$13,194.32. The Town will apply for the electrical permits through the county building and safety. Councilmember Estatico, asked if this was going to be fixed after this? What is the warranty? The Warranty is for 1 year by the manufacture of the parts.

**Motion to approve the Bid from Jonovich Companies, Inc. in the amount of 15,475.00 was made by Vice Mayor Lopez, second by Councilmember Besich-Lira, motion carries. Motion to approve the Bid from Western Environmental Technologies, Inc. for**

**\$13,194.32 made by Vice Mayor Lopez, second by Councilmember Besich-Lira, motion carries**

**E. Discussion and Possible Approval of Bid from Premier Building Group for Completion of Water Tanks Project for Effluent in the Amount of \$10,529.55**

Town Manager stated that this is the final stages of the Effluent Project. We needed to provide power to the tanks; we were under the impression that APS was going to do the electrical. When APS came back we found out they needed to install transformers, the cost of the transformers is \$4000.00 each. The alternative plan is to dig a ditch for conduit to supply the electricity to the tanks, and also to be able to allow the flow back to the WWTP if they need effluent.

**Motion to approve the Bid from Premier Building Group for completion of Water Tank Projects for Effluent in the amount of \$10,529.55 was made by Councilmember Besich-Lira, second by Councilmember Tameron, motion carries**

**F. Discussion and Possible Approval of Superior Beautification Project at the Bob Jones Museum.**

Margaret stated, that this item was tabled at last month meeting, she noted that the design has been changed a little bit. Margaret asked Mr. Cervantes if there was anything he would like to say. Mr. Cervantes stated there really isn't anything to add, council needs to make a decision its either nay or yay, unless Council has any questions. Councilmember Tameron stated if the Town of Superior had an agreement with the Museum so why is the Town getting involved? Margaret stated that the Town owns the building. If there is an agreement does it state we would intervene with anything? Margaret stated she's never seen the agreement. All she knows is that they pay all the utilities and the Town maintains the building and grounds. Councilmember Besich-Lira stated, she really didn't want to stir the pot, but she had to on this one. The Town owns the land at the end of the day the Town ultimately can make the final decision. She wants to know since the Historical Society runs the building and the Town owns it, will the Town really want it back? The Chamber has their own building maybe it's time the Town lets the Museum maintain and keep the building. We need to look at the agreement and see what it says. Mayor Valenzuela, stated this item has already been tabled once, we need to make a decision either yes or no.

**Motion to approve the Superior Beautification Project made by Vice Mayor Lopez, second by Councilmember Besich-Lira, Vote Taken**

**Councilmember Besich-Lira - Yes**

**Vice Mayor Lopez - Yes**

**Councilmember Estatico - No**

**Councilmember Tameron - No**

**Mayor Valenzuela Breaks tie with a Yes vote, Motion carries**

**G. Discussion and Approval of Resolution 15-556 A Resolution of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona Adopting a Residential Antidisplacement and Relocation Assistance Plan for FY 2016, as required under Section 104(d) of the Housing and Community Development Act of 1974 as Amended.**

Town Manager stated that Resolution 15-556 is Adopting a Residential Antidisplacement and Relocation Assistance Plan for FY 2016, as required under Section 104(d) of the Housing

and Community Development Act of 1974 as Amended a requirement from CAG in order for the Town to continue receiving CDBG funding. This is another requirement we have just like the Fair Housing Resolution we recently passed. Margaret stated that she has faith that we will get all the forms and signatures we need to qualify for CDBG funding.

**Motion to approve Resolution 15-556 Adopting a Residential Antidisplacement and Relocation Assistance Plan for FY 2016, as required under Section 104(d) of the Housing and Community Development Act of 1974 as Amended made by Councilmember Besich-Lira, second by Councilmember Estatico, motion carries.**

**H. Discussion and Possible Approval of a Ford F-150 Pickup and Seven Police Vehicles to be listed for Auction.**

Town Manager stated that she wanted to discuss with Council the auction process. The Town has a F-150 truck that doesn't even move. We also have seven Police vehicles. She has been looking into what is necessary to send them to auction. Margaret stated that when ADOT was here inspecting the backhoe they mentioned that they use Public Surplus for auction. She will be checking into that and see which one will give us more of our money.

**Motion to approve vehicles for auction and delegating the funds towards the Health Insurance made by Councilmember Besich-Lira, second by Vice Mayor Lopez. Motion carries.**

**I. Discussion and Approval of Intergovernmental Agreement with Arizona State Forestry Division.**

Town Manager stated that this IGA with the Arizona State Forestry Division is the agreement we use to fight wild land fires. We do submit to the Arizona Forestry Division claims for manpower and equipment. Under the agreement we can use equipment obtained from the State Forester.

**Motion to approve the Intergovernmental Agreement with Arizona State Forestry Division, made by Councilmember Estatico, second by Vice Mayor Lopez, motion carries.**

**J. Discussion and Approval of Pinal Gila Council for Senior Citizens Contract for the Town of Superior Senior Center.**

Town Manager, stated that this contract was already submitted to Pinal Gila Council for Senior Citizens, on July 1<sup>st</sup>. This year the contract was awarded for the amount of \$59,052.00 We also received an extra amount of \$8000.00 this year was used to purchase a computer, printer and other office items as well as extra ink cartridges; we also purchased kitchen utensils that were needed.

**Motion to approve the Contract for Pinal Gilas Council for Senior Citizens for the Town of Superior Senior Center was made by Councilmember Besich-Lira, second by Vice Mayor Lopez, motion carries.**

**K. June 11, 2015 Discussion and Possible Appointment of Town Clerk Rachelle Sanchez.**

Town Manager, stated that she recommends Rachelle Sanchez be appointed Town Clerk. Mayor Valenzuela stated that there were 5 applications and four were selected for interviews. He stated that she has the background in town government so she was his choice. Councilmember Tamaron, asked if we have the money for this position? Margaret stated yes we can do this, we have to do this.

**Motion to Appoint Rachelle Sanchez as Town Clerk made by Vice Mayor Lopez, second by Councilmember Estatico**

### **CALL TO THE PUBLIC**

**Any citizen desiring to speak on a matter that is not scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Town Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Town Council. Pursuant to the Arizona Open Meeting Law, the Town Council cannot discuss or act on items presented at this time.**

Sandra Doyle – Ms. Doyle wanted to thank the Superior First Responders, PD and all staff for their kindness and thoughtfulness during her time of need. She also thanked Councilmember Tamaron for helping direct traffic. She also thanked Nora for her kindness in helping with making the burial arrangements.

Nancy Volger – Ms. Volger, stated that she lived on 506 Church; she was appearing as a member of the Superior Copper Alliance. She stated that Roy Chavez put on a very scary solution of what could happen, but she felt he takes a little bit of fact then embroiders on it. She would like for the Superior Copper Alliance to present a different view of Resolution Copper on this whole situation at the next council meeting. She feels that things are getting twisted around. She has an idea and suggested that the Town appoint a citizen group to meet with Resolution Copper and to include the Town Attorney.

**At the conclusion of the call to the public, individual Town Council members may (1) respond to criticism made by those who have spoken; (2) ask staff to review a matter; or (3) ask that a matter be put on a future agenda.**

Councilmember Estatico, stated that when she makes comments like she just did, she is doing the same thing Roy Chavez does.

Mayor Valenzuela stated that as long as he's been here he doesn't remember Resolution Copper being denied, if they wish to give a presentation they can set it up with Town Hall and it will be done.

### **SUMMARY OF CURRENT EVENTS**

Councilmember Besich-Lira wanted to thank Mayor Valenzuela for the great job he did in putting together the 4<sup>th</sup> of July celebration. It was a great success and enjoyed by all.

Councilmember Estatico, also thanked the Mayor for the work he did to have the 4<sup>th</sup> of July celebration. He also stated that the Little League All Stars just finished. The Sr. girls will be playing on Monday.

Vice Mayor Lopez, said she hadn't been in town for the 4<sup>th</sup> of July in a long time, she really enjoyed it.

Mayor Valenzuela stated that he could not have done what he did without the help of he had from everybody. This was a team effort and everything was free to the citizens. Thanks to all who donated to make the event a success. He thanked Resolution Copper for the donation for the fireworks. He also stated the he had a tour of the Ray Mine last week thanks to Margaret and Bill for setting it up, it was a great experience. He said he did get out to Coolidge to see some of the girls softball games, they were all very close games.

#### **SCHEDULING OF MEETINGS AND EVENTS**

Planning and Zoning Meeting, July 16, 2015, 6:00 p.m.

Council Meeting, August 13, 2015, 7 p.m.

#### **EXECUTIVE SESSION**

**Motion to move into Executive Session with the Town Attorney, Steven Cooper and Town Manager, Margaret Gaston and Town Clerk for 30 minutes was made by councilmember Estatico, second by Councilmember Tamaron, motion carries at 8:56 p.m.**

##### **A. Confidentiality Statement**

At the April 10<sup>th</sup>, 2014 Council Meeting the following member of the Superior Town Council declared a conflict of interest concerning matters involving Resolution Copper, Mayor Valenzuela, Vice-Mayor Lopez, Councilmember Tameron and Councilmember Aguilar. Due to the four conflicts of interest the Superior Town Council would not be able to discuss matters involving Resolution Copper. However, pursuant to A.R.S. 38-508 if conflicts of interest prevent a Town from acting as required by law in its official capacity, such action shall not be prevented if the Councilmembers who have apparent conflicts make known their conflicts of interest in the official records of the Town.

Due to the fact the Mayor, Vice-Mayor and two Council Members have publically declared their conflicts of interest at the prior Council Meeting and the Town Council would not be able to address matters involving Resolution Copper these Council Members are authorized to participate in matters involving Resolution Copper pursuant to A.R.S 38-508.

##### **B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4):**

Resolution Copper status of negotiations concerning possible Mutual Benefits Agreement.



- A. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding potential annexation of real property. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4)

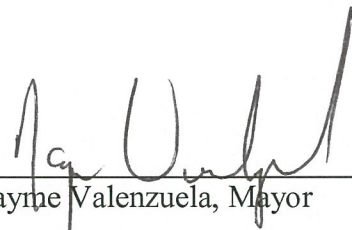
**REGULAR SESSION**

Motion to return to regular session at 9:30 was made by Councilmember Besich-Lira, second by Vice-Mayor Lopez, motion carries.

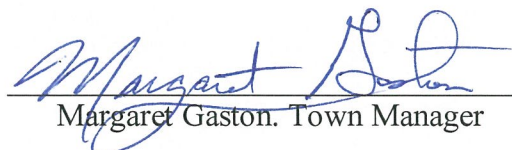
**Direct Staff or Town Attorney to proceed as directed in Executive Session.**

**ADJOURNMENT**

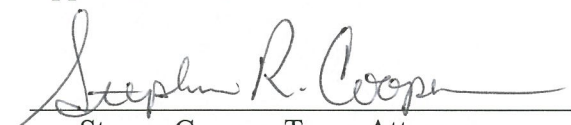
Motion to adjourn meeting was made by Councilmember Besich-Lira, second by Vice-Mayor Lopez, motion carries. Meeting adjourned at 9:35 p.m.

  
\_\_\_\_\_  
Jayme Valenzuela, Mayor

Attest:

  
\_\_\_\_\_  
Margaret Gaston, Town Manager

Approved to Form:

  
\_\_\_\_\_  
Steven Cooper, Town Attorney